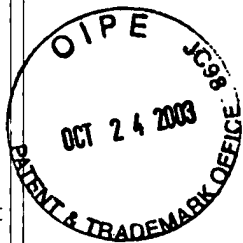


Attorney Docket  
33808 F 170



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CONFIRMATION NO. 7217

Applicants : Patrice ROBERT, et al.  
Serial No. : 10/070,555 Art Unit: 1711  
Filed : June 28, 2002 Examiner : Nathan M. NUTTER  
For : Crosslinkable Compositions of Functionalized Polyolefin Powders

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir :

A response to the Office Action of September 25, 2003 is due October 25, 2003.

The Action required restriction between the following two allegedly patentably distinct inventions:

- Group I, claims 1-6, drawn to a polymer composition, and
- Group II, claim 7, drawn to a method of making "an item".

Applicants hereby elect, with traverse, Group I of claims 1-6, drawn to a polymer composition, for prosecution in this application.

The Action further required an election of species, as follows:

- for compound (A)
  - (1) ethylene with maleic anhydride copolymer, or
  - (2) ethylene with epoxy copolymer; and
- for compound (B)
  - (1) a chemical crosslinker, or
  - (2) a copolymer of ethylene with an unsaturated epoxide (claims 2 or 4), or
  - (3) polyamines (claims 5 or 6).

Applicants hereby elect, with traverse, the following species:

- for compound (A)
  - (1) ethylene with maleic anhydride copolymer, and
- for compound (B)
  - (2) a copolymer of ethylene and an unsaturated epoxide.

The claims readable on the elected species are claims 1-4.

In view of the following remarks, Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement and the Election of Species Requirement.

#### **I. Traversal of Restriction Requirement**

According to the last paragraph on page 2 of the Office Action, “[a]n international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories: . . . (2) A product and process of use of said product; . . .”

The claims of Group I, i.e., claims 1-6, are directed to a crosslinkable composition. Claim 7 is directed to a process “for the manufacture of an item molded by slush molding comprising the melting of a composition according to claim 1, followed by crosslinking of the latter” [emphasis added]. Thus, claims 1-6 are directed to a “product”, i.e., the composition, and claim 7 is directed to a “process of use of said product”, wherein the “use of said product” is the melting and crosslinking of the composition of claim 1 to form an item molded by slush molding.

Thus, Applicants submit that the claims of Group I and the claim of Group II are drawn to a combination of categories which is considered to have “unity of invention”, i.e., “product and process of use of said product”.

#### **II. Traversal of Election of Species Requirement**

Applicants respectfully submit that a search conducted relative to species (A)(2) would not be substantially burdensome after a search relative to species (A)(1) as the two species both contain ethylene and an oxygen-containing organic compound. Thus, any

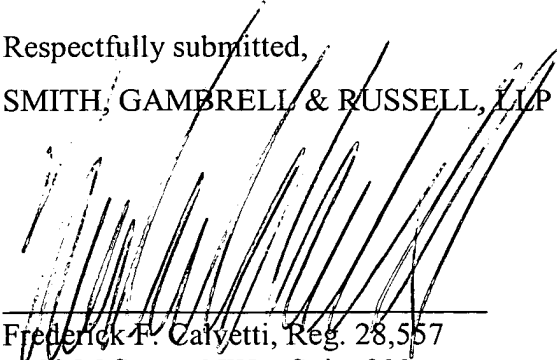
search conducted relative to the elected species will necessarily yield relevant art for consideration and examination of the other species. Hence, an extension of the search required for the elected species would not be overly burdensome. See MPEP 804. Thus, Applicants respectfully request that the two species of compound (A) be examined in a single application.

For the same reason, Applicants respectfully request that the three species of compound (B) recited in the Office Action be examined in a single application. A search conducted to species (B)(1) and species (B)(3) would not be substantially burdensome after a search relative to species (B)(2) as two of the three species (i.e., (B)(2) and (B)(3)) and optionally the third species (i.e., (B)(1)) are organic compounds. Thus, any search conducted relative to the elected species will necessarily yield relevant art for consideration and examination of the remaining two species. Hence, an extension of the search required for the elected species would not be overly burdensome.

### **III. Conclusion**

In view of the remarks herein, Applicants respectfully request that the restriction requirement and the election of species requirement set forth in the Office Action be withdrawn and that the claims of Groups I and II and the recited species of compounds (A) and (B) be examined in a single application.

Respectfully submitted,  
SMITH, GAMBRELL & RUSSELL, LLP



Frederick F. Calvetti, Reg. 28,557  
1850 M Street, NW - Suite 800  
Washington, DC 20036  
Telephone : 202/263-4300  
Facsimile : 202/263-4329

Date : October 24, 2003

205582